

REMARKS

Claims 1-12 are pending in this application. By this Amendment, claim 8 is amended. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by Jordil (U.S. Patent No. 6,952,883); rejects claims 1, 3-7 and 9-12 under 35 U.S.C. §102(b) as being anticipated by McMurtry (U.S. Patent No. 4,599,524); and rejects claims 2 and 8 under 35 U.S.C. §103(a) as being unpatentable over McMurtry. Applicants respectfully traverse these rejections.

Jordil fails to disclose or suggest a sensor responsive to movement of a probe and arranged to cause a power supply to be connected to a first electric circuit when movement is detected, as recited in independent claim 1.

Jordil discloses a recognition of a time period during which pressure is applied to a probe tip. Jordil uses this to switch from one measurement mode to another. See col. 5, lines 23-59. Jordil merely discriminates between time periods of pressure applied rather than movements.

Accordingly, Jordil fails to disclose or suggest a sensor responsive to movement of the probe and arranged to cause the power supply to be connected to said first electric circuit when movement is detected, as recited in independent claim 1.

Additionally, McMurtry fails to disclose or suggest a movement-discriminating circuit that is connected to a sensor, the movement-discriminating circuit discriminating a movement indicating that a probe is to be used from other movements, as recited in independent claim 1.

McMurtry discloses the use of a centrifugal sensor. The centrifugal sensor in McMurtry reacts only to rotary motion, and therefore would switch a probe on only when it is about to be used, and not when it is simply being moved from A to B. The Office Action

asserts that element 33 is a sensor and element 36 is a movement discriminating circuit.

However, element 33 of McMurtry is not a sensor. Instead, element 33 is a switch which is open when the probe is at rest due to the spring 35 biasing the arm 34 inwards. When the probe rotates, the centrifugal force on the arm pushes it outwards, against the bias of the spring, thus closing the switch 33. Moreover, element 36 of McMurtry is not a discriminating circuit. Instead, element 36 is a relay in circuit 30, and does not discriminate one type of movement from another.

McMurtry does not disclose the asserted sensor and discriminating circuit. Therefore, McMurtry fails to disclose or suggest a movement-discriminating circuit that is connected to a sensor, the movement-discriminating circuit discriminating a movement indicating that the probe is to be used from other movements, as recited in independent claim 1.

In accordance with the above remarks, Applicants respectfully submit that independent claim 1 defines patentable subject matter. Claims 2-12 depend from claim 1, and therefore, are patentable for the same reasons, as well as for the additional features they recite. Thus, Applicants respectfully request that the Examiner withdraw the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Gang Luo
Registration No. 50,559

JAO:EXC/rle

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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